COUNCIL COMMUNICATION

TO:

THE CITY COUNCIL

COUNCIL MEETING DATE: OCTOBER 19, 1988

FROM:

THE CITY MANAGER'S OFFICE

SUBJECT:

PUBLIC HEARING TO CONSIDER APPEAL OF VICTOR W. MEYER, REPRESENTING GRIFFIN INDUSTRIAL PARK, 1350 and 1370 EAST PINE STREET OF THE PLANNING COMMISSION'S REQUIREMENT TO CONSTRUCT A 7-FOOT MASONRY FENCE ALONG THE EAST SIDE OF GUILD AVENUE (CONTINUED FROM SEPTEMBER 28, 1988)

<u>RECOMMENDED ACTION:</u> See the attached Council Communication prepared for the meeting of September 28, 1988.

ADDITIONAL BACKGROUND INFORMATION: The City Council continued this matter so that the following could be determined:

- 1. What was the desire of the cemetery owner concerning the masonry wall?
- 2. Where was the exact location of the existing slatted, steel mesh fence?
- **3.** Who presently owns the property upon which some of the graves and a portion of the pump-house encroach?

During the week of October 2-8 the Community Development Director met with Mic Robert Rocha, cemetery owner, and discussed the matter. Mic Rocha was requested to direct a letter to the City Council outlining his concerns.

Mr. Vic Meyer has presented a drawing to the Public Works Department which was prepared by Baumbach and Piazza, Consulting Engineers. This drawing indicates the slatted, steel mesh fence is in its ultimate location (i.e. future property line).

It has been determined that the parcel located between the old **and new** property **lines** is still owned by Robert Griffin and his partner. It would appear that this parcel should be shown on the Final Map of Griffin Industrial Park as Parcel "A" and the parcel transferred to the cemetery.

JAMES B. SCHROEDER

Community Development Director

Attachment

Lodi Memorial Cemetery 5750 East Pine Street 1988 007 17 All 0 00

P.O. Box 737 Lodi. California 95241 Telephone (203) 333-7171

ALICE M. REINCHE CITY CLERK CITY OF LODE

OCTOBER 11, 1988

CITY OF LODI 221 W. PINE STREET LODI, CALIFORNIA 95240

ATTN: ALICE REIMCHE: CITY CLERK

中国中国国际公司

RE: MASONRY FENCE REQUIREMENT IN REGARDS TO GRIFFIN

INDUSTRIAL PARK.

Dear Madam Clerk:

As the owner and curator of The Lodi Memorial Cemetery, I am writing this letter to clarify my desires concerning the above referenced project.

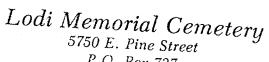
Lodi Memorial Cemetery i5 considered by many to be the historical cemetery of Lodi. Many of Lodi's founding fathers are buried in GUT cemetery. We pride ourselves on the fact that Lodi Memorial Cemetery is a peaceful and quiet cemetery, free from all noise pollution. At any time while walking through this cemetery the only sounds heard are the birds or wind rustling through the trees. Our only concern is that the esthetic value of this cemetery be preserved, not only for the family's we serve but also for the community.

We have installed an attractive wire mesh fence to protect and enhance the beauty of Lodi's Memorial Cemetery. We are however uncertain as to whether a masonry wall or very lush landscaping along the mesh fence would provide the privacy and protection this cemetery requires to maintain it's esthetic value. With these concerns in mind, we will leave to Mr. Griffin and the City Council that final decision.

Thank you for- your concern in regards to this situation.

Robert A. Rochs

President, Lodi Memorial Cemetery



5750 E. Pine Street P.O. Box 737 Lodi, California 95241



City Of Lodi 221 West Pine Street Lodi, California 95240

ATTN: Alice Reimche: City Clerk

COUNCIL COMMUNICATION

TO:

City Council

FROM:

City Manager

MEETING DATE:

September 28, 1988

AGENDA TITLE:

Public Hearing to Consider Appeal of Victor W. Meyer, Representing Griffin Industrial Park, 1350 and 1370 East Pine Street, of the Planning Commission's Requirement to Construct a Foot Masonry Fence Along the East Side of Guild

Avenue

RECOMMENDED ACTION: That the City Council deny the appeal and approve the Planning Commission's recommendations.

BACKGROUND INFORMATION: At its meeting of August 22, 1988, the Lodi City Planning Commission conditionally approved the tentative subdivision map of Griffin Industrial Park, a 19.52-acre, 45-lot tract located at 1350 and 1370 East Pine Street, Lodi, in an area zoned M-2. The subdivision is located immediately west of the Lodi Memorial Cemetery which is in the County. See Exhibit A.

The letter of conditional approval for the subdivision is attached as Exhibit B. Item 6 of the conditions requires "that Guild Avenue conform to the cross-section depicted on the attached sketch". The sketch is attached as Exhibit C and shows a masonry wall on the east side of Guild Avenue to be built by the developer, and the east half of Guild Avenue being constructed by the City.

A copy of Vic Meyer's letter appealing the requirement for a 7-foot masonry fence is attached as Exhibit D.

A standard City requirement where commercial or industrial zoned property abuts to any type of residential property is to require a masonry wall. It is also a standard City requirement to require all street improvements within the development to be the responsibility of the developer except on limited access major arterials. When a street centers on a property line, the adjacent property that will be using the street for access would normally pay for one-half of the street improvements and one-half of sanitary sewer and water installations.

The specific plan for Guild Avenue (formerly Myrtle Avenue) was adopted in February 1972 by Resolution 3592. When it was later determined that some graves and an existing building housing a well were outside the cemetery property, the specific plan was amended by Ordinance 1204 in June 1980, requiring additional dedication by the owner of the Griffin Industrial Park.

APPROVED:

THOMAS A. PETERSON, City Manager

FILE NO.

City Council September 28, 1988 Page 2

Both the original specific plan and the revised alignment are shown on Exhibit E. Since the revision, a chain link fence with slats has been installed by the owner of Lodi Memorial Cemetery.

Even though the use difference between the two properties does not meet normal requirements, a masonry wall would provide both a visual and a sound barrier wall between the cemetery and the industrial property, It is apparent that the cemetery, because of the existing layout and use, will probably never need or wish to have access to Guild Avenue. As a consequence, possibilities for participation in the cost of street improvements are essentially nonexistent, even though it would normally be its responsibility.

Both the masonry wall and responsibility for construction of the east half of the street have been discussed previously, but no record can be found in either the Planning Commission or City Council minutes.

Possible Council actions include the following:

- 1. Deny the appeal. Construction of east half of Guild Avenue by City; construction of cemetery wall by developer.
- 2. Approve the appeal. Construction of east half of Guild Avenue by City; construction of cemetery wall either by City or cemetery, or no wall at all.
- 3. Approve the appeal but make appropriate modification of the Planning Commission conditions:
 - o make the developer responsible for all of Guild Avenue; and
 - ° refer the matter back to the Planning Commission.

It is recommended that the City Council deny the appeal and determine that the Planning Commission conditions, having the City pay for the east half of Guild Avenue and the developer install a 7-foot masonry fence along the cemetery property, are appropriate.

Jack L. Ronsko

Fublic Works Director

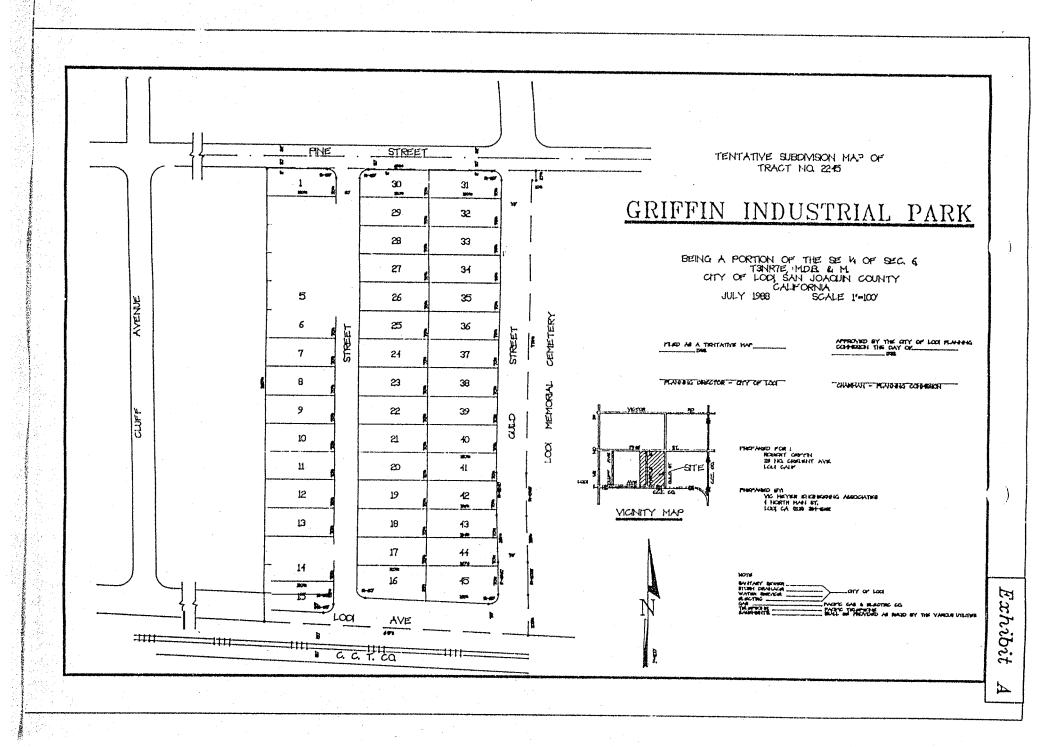
Name B. Schroeder

Community Development Director

JLR/GER/mt

Attachments

cc: Community Development Director



CITY COUNCIL

JAMESW PINKERTON, Jr., Mayor JOHNR. (Randy) SNIDER Mayor Pro Tempore DAVID M. HINCHMAN EVELYN M. OLSON FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

FELECOPIER:(209) 333-6395

Exhibit B

THOMAS A PETERSON City Manager

ALICE M REIMCHE
City Clerk

BOB McNATT
City Attorney

August 23, 1988

Mr. Victor Meyer c/o Vic Meyer Engineering Associates 4 North Main Street Lodi, CA 95240

Dear Vic:

RE: Tentative Subdivision Map 88 S 007 Griffin Industrial Park 1350 and 1370 East Pine Street

At its meeting of Monday, August 22, 1988 the Lodi City Planning Commission conditionally approved the Tentative Subdivision Map of Griffin Industrial Park, a 19.52 acre 45-lot tract located at 1350 and 1370 East Pine Street (APN's 049-090-27 and 28) in an area zoned M-2, Heavy Injustrial.

The Planning Commission's approval is subject to the following conditions:

- 1. that the developer enter into all applicable agreements;
- 2. that the developer pay all appropriate fees in effect at time of Final Map filing for:

Master Drainage Intract Drainage Engineering

Sewer Connection Sanitary Sewer Reimbursements

- 3. that public utility easements as required by the various utility companies and the City of Lodi be dedicated;
- 4. that all corner cutoffs be for a 35-foot radius;
- 5. that engineered improvement plans be prepared for all public improvements prior to Final Map filing;
- 6. that Guild Avenue conform to the cross-section depicted on the attached sketch:
- 7. that the developer install all off-site utilities and street improvements;
- 8. that if driveways are to be installed during improvement of subdivision without building layouts for specific Sots, they shall be 30 feet in width, centered on alternate property lines, and there shall be a 30-foot wide cross-over easement shown on the Final Subdivision Map;

Mr. Victor Meyer August 23, 1988 Page 2

- 9. that storm drainage facilities be extended to all lots which may be accomplished with joint use of oil separation unit near joint property line;
- 10. that Myrtle Avenue be renamed to avoid the creation of future confusion;
- 1.1. that the developer provide necessary right-of-way for curb return at southeast corner of Guild Avenue and Pine Street;
- 12. that the strip parcel between the last right-of-way line of Guild Avenue and Cemetery and its final disposition be shown on the Final Map; and
- 13. that full protection be provided per Fire Department requirements.

Section 16.36.010 of the todi Municipal Code (Subdivision Ordinance) provides the following appeals procedure:

"Procedure. Any person adversely affected by any decision of the advisory agency (i.e. Planning Commission) may file a complaint with the City Clerk concerning such decision. Any such complaint shall be filed with the City Clerk within fifteen (15) days after the action which is the subject of the complaint."

Your appeal, if any, must be in writing and directed to Alice M. Reimche, City Clerk, Call Box 3006, Lodi, CA 95241-1910. It must be received by her by 5:00 p.m., Tuesday, September 6, 1988.

In a related matter the Planning Commission certified the filing of a Negative Declaration by the Community Development Department as adequate environmental documentation on this request.

Sincerely,

JAMES B. SCHROEDER Community Development Director

Enclosure

cc: Robert L. Griffin City Clerk

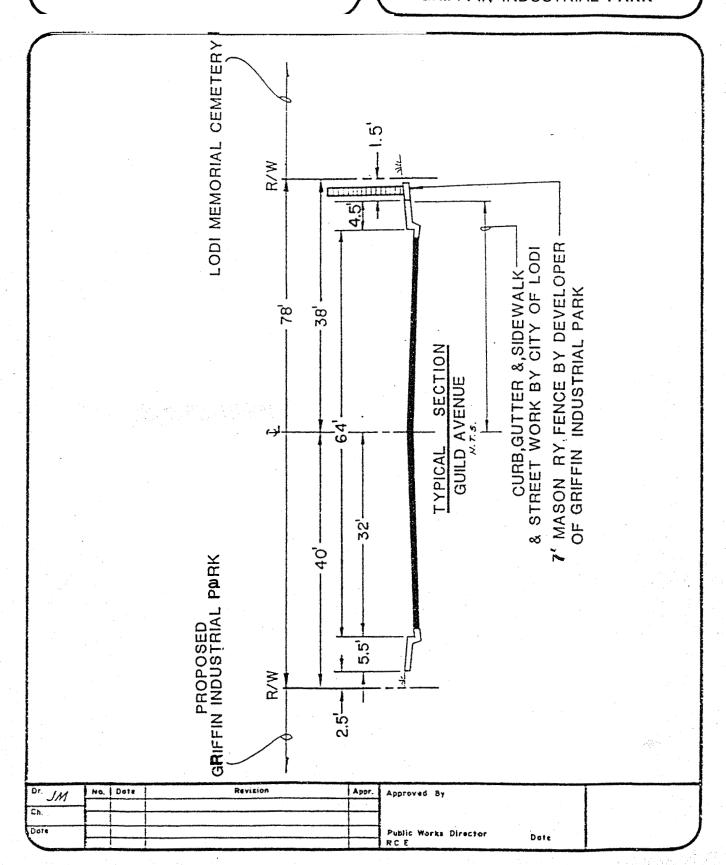


CITY OF LODI

PUBLIC WORKS DEPARTMENT

GUILD AVENUE

GRIFFFIN INDUSTRIAL PARK





Vic Meyer Civil Engineer

ALICE W HE CITY CITY

8/31/88

City Council City of Lodi 22! W. Pine Street Lodi, Ca. 95240

Att: A. Reimcne-City Clerk

Re: Tentative Subdivision Map 88 S 007-Griffin Industrial Park.

Dear Sirs;

Please accept this letter as notice of our appeal of the Planning Commission requirement to construct a 7 foot high masonary fence along the East side of Guild Ave. of the above subject Subdivision.

Thank you for your attention to this matter.

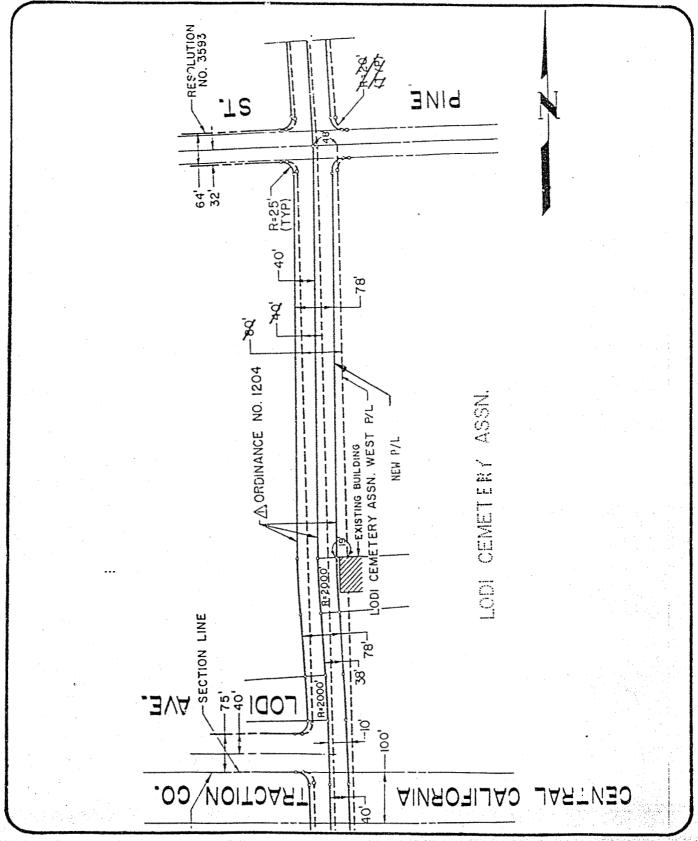
Victor W. Meyer, RCE 13406

4 North Main Street • P.O. Box 611 • Lodi, California 95240 • Telephone (209) 368-3296

THE REPRODUCTION OF THIS DOCUMENT CANNOT BE IMPROVED DUE TO THE CONDITION OF THE ORIGINAL



GUILD AVENUE SPECIFIC PLAN



NOTICE OF PUBLIC HEARING

TO CONSIDER THE APPEAL OF VICTOR GI. MEYER,
REPRESENTING GRIFFIN INGUSTRIAL PARK, 1350 AND 1370 EAST
PINE STREET, LODI, OF THE PLANNING COMMISSION'S REQUIREMENT
TO CONSTRUCT A 7 FOOT HIGH MASONRY FENCE ALONG THE EAST SIDE
OF GUILD AVENUE

NOTICE IS HEREBY GIVEN that on Wednesday, September 28, 1988 at the hour of 7:30 pm., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing to consider the appeal of Victor W. Meyer, representing Griffin Industrial Park, 1350 and 1370 East Pine Street, Lodi, of the Planning Commission's requirement to construct a 7 foot high masonry fence along the east side of Guild Avenue.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, California, at or prior to, the Public Hearing.

By Order Of the Lodi City Council:

City Clerk

Dated: September 7, 1988

Approved as to form:

Bobby W. McNatt City Attorney

TXTA. 02D

NOTICE OF CONTINUED PUBLIC HEARING

TO CONSIDER THE APPEAL OF VICTOR W. MEYER,
REPRESENTING GRIFFIN INDUSTRIAL PARK, 1350 AND 1370 EAST
PINE STREET, LODI, OF THE PLANNING COMMISSION'S REQUIREMENT
TO CONSTRUCT A 7 FOOT HIGH MASONRY FENCE ALONG THE EAST SIDE
OF GUILD AVENUE

NOTICE IS HEREBY GIVEN that on Wednesday, October 19, 1988 at the hour of 7:30 pm., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a continued public hearing to consider the appeal of Victor W. Meyer, representing Griffin Industrial Park, 1353 and 1370 East Pine Street, Lodi, of the Planning Commission's requirement to construct a 7 foot high masonry fence along the east side of Guild Avenue.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, California, at or prior to, the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche City Clerk

Ulu h. Remele

Dated: September 28, 1988

Approved as to form:

AN Mella

Bobby W. McNatt City Attorney

PH/46 TXTA.02D CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor JOHNR. (Randy) SNIDER Mayor Pro Tempore DAVID M. HINCHMAN EVELYN M. OLSON FRED M. REID

CITY OF LODI

CTTY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

TELECOPIER (209) 333-6795

THOMAS A PETERSON

City Manager

ALICE M REIMCHE
City Clerk

BOB M NATT

City Attorney

October 24, 1988

Mr. Victor W. Meyer c/o Vic Meyer Engineering Associates 4 North Main Street Lodi, CA 95240

Re: Tentative Subdivision Map 885007 Griffin Industrial Park 1350 and 1370 East Pine Street

Dear Mr. Meyer:

This letter will confirm action taken by the Lodi City Council at its regular meeting of October 19, 1958 following the Public Hearing to consider your appeal of the Planning Commission's requirement to construct a 7-foot masonry fence along the east side of Guild Avenue which was a condition in the approval of the above referenced Tentative Subdivision Map.

The Lodi City Council granted the appeal and therefore you will not be required to construct the fence.

Should you have any questions regarding this matter, please do not he sitate to call this office.

Very truly yours,

Alice M. Reimche

City Clerk

AMR:jj

cc: James B. Schroeder

Community Development Director

DECLARATION OF MAILING

On October 5, 1988 in the City of Lodi, San Joaquin County, California, I deposited in the **United** States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 1988, at Lodi, California.

ALICE M. REIMCHE

City Clerk

Judy Johnson

Deputy City Clerk

E GISTEFN TXTD, OIC

(Page Of)

	ILIN	FILE #				
	grkl		OWNERS NAME	MAILING ADDRESS	CITY, STATE	ZIP
		J49-090- 15	UYEMURA DELMAR.	ENSTAIN ST.	**	
(D26)		26	HUMPHIES TUNFINAL SETYICES	PO 1 NY -157		952411
126	117	27	GRIFFIN POPERT L.	HOT ORE TOPAT		
026		2.8	11			
026	-	36	GRIFFIN ROBERT	119 N OF TOAT		
5036		37	MEEHLEIS MODULAR PLIDES	1903 ELLOT AVE		
		Q47-070- 2	NYAN SAILY	760 WODSTOCK LA	INT ALTOS, CVI	94027
Dr.C.		3	MADI TADASME	5752 E. PENE ST.		
0212		4	STANCEY JOHN	3952 M. AMERICAN	STACKLING, CA-	952004
	MH	5	11			
1326	74	lo	BANK OF STOCKTON / INDUST, REV. FUN	PO BOX IIIA	STACKTON, CA	95201
326		57	TRIANGLE PACTEIC COPP.	PO BOX WINCA	DAUG TX	75260
	05	59	GENTRAL CA TRACTION CO.			
136	े ट	749-040-47	DART CONTAINED CORP.	SOCO HOUSBACK R.P.	MASON AT	482:34
Ø26.		56	MCLPTHO TED + COLLEGEN	PO 50X 676		9.5241
Q210		57	li .			
Q210	03	<i>5</i> %	MODEL STREET THURSTADS BIAL		BUPLINGAME, CA	94/01/03
		~~~	Bocka's mortugey	215 S. Achael	Lodi Ca	95241
			•			,
						~~····
,						
						****
						·
						~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
						~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
·			•			
						<del></del>
		·				<del></del>